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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,341	09/08/2000	Jay S. Walker	97-059-1X	8055

7590 10/03/2003

Walker Digital Corporation
Five High Ridge Park
Stamford, CT 06905

EXAMINER

JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/654,341

Applicant(s)

WALKER ET AL.

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 69-85 and 90-117 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 69-85 and 90-117 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8,9,10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. In the prior Office action, the examiner had indicated allowable subject matter with respect to claims to claims 80-85 and 90. After a further review of claims 80-85 and 90, the Examiner is therefore obliged to apply an art rejection for claims 80-85, 90 and claims 69-79 and claims 91-117 on the prior references as found below. The applicant's arguments are moot in view of the newly applied rejection. The examiner regrets the delayed prosecution of the application. The rejection of Office action mailed March 24, 2003 (Paper number 7), has been withdrawn.

Terminal Disclaimer

2. The terminal disclaimer filed on July 2, 2003 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Patent No. 6,336,104 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Amendment

3. Applicant's amendment has overcome the 112 second rejection with regard to claims 69-79 and 86-89.

Response to Arguments

4. Applicant's arguments with regard to claims 69-85 and 90-117 have been considered and have been found to be persuasive. The rejection has been withdrawn.

Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 69-85 and 90-117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iri (Installment payment processing method of electronic cash register) in view of Nozawa (Installment-payment information processing device).

As per claims 69, 73-74, 84-85 and 103, Iri discloses an electronic cash register (ECR) method and system for providing an automatic payment installment plan for a given customer. Note the title. The system comprises means for receiving information specifying at least a purchase price which is equivalent to the sales amount (note pages 7 and 13) and a financial account identifier (note page 3, second paragraph) whereby the financial account identifier such as a credit card includes an identifier for identifying the financial account. Iri also teaches means for generating an installment plan for payment of the purchase price of an item. Note pages 11-13 of Iri. Iri also teaches means for transmitting the installment plan to the customer or purchaser. Iri does not explicitly teach means for generating an installment plan identifier based on at least one of the purchase price and the financial account identifier. It is noticed that different number of installments may be made for the payment of a purchased price of an item.

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Note for example the teachings of Nozawa (Page 35, paragraphs 2 and 3). Each number of provided installment plans having a different number of payments would have represented a different installment plan selectable by the customer whereby a range of purchase price is based on the number of payment. It would have then been obvious to the skilled artisan at the time of the invention to associate the different number of payments with a purchase price thereby having an installment plan in order to provide a customer with instant identification and/or memorization of their plan.

As per claims 70-72, 80-83 and 104-108, Iri teaches the customer selecting and accepting an installment plan (see entire page 19).

As per claims 75-76, 95-96, 109-110, the combination of Iri and Nozawa fails to teach means for determining whether to allow installment payments on the purchase price. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to deny installment plans if the amount owed is at a very minimum. Determining whether to allow installment payments would have then been obvious to the skilled artisan in the combination of Iri and Nozawa in order to minimize unnecessary costs in the overall system and also in order to minimize risks with a potentially delinquent customer especially if the customer's financial records shows a delinquent status.

As per claims 77, 97 and 111 an installment plan would have been based on a range of purchased price as discussed above with respect to claims 69 and 72. An installment plan would have been based if the purchased price falls within the determined range.

As per claims 78, 98 and 112, the combination of Iri and Nozawa fails to teach a means for determining whether application of the purchase price to the financial account is authorized.

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It would have been obvious to the skilled artisan to determine whether application of the purchase price to the financial account is authorized in order to determine whether or not a potential customer has sufficient credit limit in his/her financial account so as to minimize risks. If there is no potential risks, then authorizing the installment plan identifier would have then been processed in the combined system.

As per claims 79, 90 and 113, the combination of Iri and Nozawa fails to teach means for transmitting a merchant identifier indicating a merchant and crediting the purchase price to the merchant. Official Notice is taken that most financial transactions include a merchant identifier. Providing such in the combined system above would have resulted into a notification of involved parties to make payments to.

As per claims 91-92, 99-100 and 114-115, the combination of Iri and Nozawa fails to teach determining an upsell to offer and generating an upsell identifier. It is well known in the buying and selling of automotive process that dealers/manufacturers usually provide incentives or a lower interest rates if the buyer decides to purchase a given automobile at a given price or decides to make payment for a number of years. Such would have automatically resulted into crediting the car dealer/manufacturer with the upsell value. Thus, doing the same in the combination of Iri and Nozawa would have been obvious to the skilled artisan in order to provide incentives to customers thus making the system attractive to potential customers.

As per claims 93, 101 and 116, these claimed features would have been obvious to the skilled artisan because it would have been impossible and it would have been too profitable to entice an upsell if the upsell is supposedly of a greater value than a purchased price. Thus determining an upsell value to offer based on at least one of the purchase price and the financial

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account identifier would have been obvious in order to provide customer satisfaction and to enhance the profitability of the overall system.

As per claims 94, 102 and 117, displaying a signal indicative of the upsell to offer at the POS terminal would have then been the next step once the upsell is accepted so as to process the customer's compensation for his/her opted purchased price and/or duration/payment term.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached on weekdays from 7:30 AM to 6:00 PM.

If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R. Hafiz, can be reached at (703) 305-9643

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-5357.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-3900.



Romain Jeanty

Patent Examiner

September 28, 2003.